

REMARKS

Claims 1-29 are pending in this application. By this Supplemental Amendment, claims 1, 14, 18, 19, 21, 23, 24, 26, 27 and 29 are amended. Support for this amendment can be found at least at page 23, lines 1-7. Reconsideration based on the above amendments and the following remarks is respectfully requested.

I. The Claims Define Patentable Subject Matter

The Office Action rejects claims 1-9, 14, 15, and 18-29 under 35 U.S.C. §102(b) over U.S. Patent No. 5,734,909 to Bennett; and claims 10-13, 16 and 17 under 35 U.S.C. 103(a) over Bennett in view of Applicants Admitted Prior Art in the specification. These rejections are respectfully traversed.

Bennett does not disclose or suggest "a predetermined relationship between the specified timing and the specific device of interest," as recited in claim 1, and as similarly recited in claims 14, 18, 19, 21, 23, 24, 26, 27 and 29.

Instead, Bennett merely discloses that the server might respond to the requesting client with an instruction to submit the request again at a later time. Further, the instructions sent by the server merely gives the client an instruction to submit their request again when the current lock holding client might be finished with its data operations, but this instruction does not relate to the timing for determining when a re-request should be outputted as claimed. See e.g., Bennett, col. 2, lines 40-43. The client does not make a retry at a given time specified by the server. Because Bennett's server does not specify timing for the client to make a retry, Bennett thus does not disclose a "predetermined relationship being between the specified timing and the specific device" as recited in the independent claims.

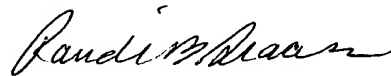
For at least these reasons, it respectfully submitted that claims 1, 14, 18, 19, 21, 23, 24, 26, 27 and 29 and the dependent claims therefrom, are patentable over the applied references. Withdrawal of these rejections is respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Randi B. Isaacs
Registration No. 56,046

JAO:RBI/cfr

Date: January 25, 2005

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--